

**CALFED Ecosystem Restoration Program
2001 Proposal Solicitation Package
April 12, 2000 Public Pre-submittal Workshop
Questions and Answers**

*****ERRATA*****

- **The webpage address for the Anadromous Fish Restoration Program is www.delta.dfg.ca.gov/afrp.**
- **The page limit for cost (page 59) should be no more than 2 pages not including tables. As stated on page 54, the page limit is 16 pages for new proposals and 18 pages for next-phase proposals.**
- **CALFED will not fund endowments for any purpose under this Proposal Solicitation.**
- **Wording on Page 55, C 1 d sentence two should be “each proposal must justify the selection of the research or monitoring project....”**

The following summarizes the questions that were submitted to CALFED regarding the March 2001 Proposal Solicitation Package (PSP). Our responses to these questions are provided below.

SOURCE AND AMOUNT OF FUNDING FOR THIS PSP

How much money will be available in fiscal year 2001?

Funding sources for this PSP could include state and/or federal funds. Funds are dependent upon completion of a Record of Decision for the Final Programmatic EIS/EIR, which is expected in the summer of 2000. Should that occur, some portion of \$390 million dollars identified in Proposition 204 may be used to fund projects from this PSP. Federal funds may also be available under the Federal Bay-Delta Act, given the Act is reauthorized for FY2001. If the CALFED agencies do not reach a Record of Decision in the summer of 2000, funds will be delayed. Approximately 4 million dollars under the CVPIA Anadromous Fish Restoration Program are expected to be available in FY2001. Additional funds in other CVPIA programs may also be available.

Will a certain percentage of money be allocated to a certain type of project or to the topic areas?

No. Specific amounts or percentages of money have not been allocated to either types of projects or to the topic areas at this time. The allocation of funds will depend on the amount of funds available and the quality of proposals received in the areas described in the PSP.

The source of funding will have a major impact on the submitted budget (overhead rates, salary rates, etc.). What is the source of funding?

The source of funding has not been identified for projects to be funded under this PSP. As noted on Page 3, funds may be available from the Federal Bay-Delta Act, CVPIA and from State Proposition 204. As stated on Page 59 of the PSP, if overhead and indirect costs are different for State and Federal funds, applicants should provide budgets for both State and Federal rates.

LIMITATIONS ON FUNDING

Can ecosystem restoration funds be used to enhance habitat values on a property that is acquired to resolve litigation? Can funding be used to acquire the property as part of an arbitrated settlement agreement?

As stated on page 6 of the PSP, ecosystem restoration funds cannot be used to fulfill an applicant's litigation costs, either under a court order/judgment or through an arbitrated settlement agreement. It would be permissible, however, to use ecosystem restoration funds to restore property that is acquired as part of litigation if the proposed restoration is not part of a court order/judgment or arbitrated settlement agreement. Applicants should clearly explain the scope of their proposal, any relevant legal context, and how the proposal does not involve the applicant's litigation costs.

Will CALFED consider funding inactive mine remediation projects?

CALFED will consider any proposal that addresses the funding priorities in this PSP. As noted on page 6 of the PSP, public agencies cannot use ecosystem restoration funds to support existing agency requirements. Further, any proposal for inactive mine remediation may present liability concerns. Proposals will therefore be evaluated on a case-by-case basis for whether they seek funding for existing agency obligations or present liability concerns.

THRESHOLD REQUIREMENTS

What forms must a non-profit entity submit if it wants to propose a construction project? Are these forms required if the non-profit entity itself will not perform the construction, and has not yet selected the subcontractor that will perform the construction work?

A non-profit entity proposing construction, that has either selected its construction subcontractor or will perform the construction itself, must submit the following documents with its proposal: (1) a State nondiscrimination compliance statement; (2) a bidder's bond; (3) a noncollusion affidavit; and (4) proof of a contractor's license. If the non-profit entity has not yet selected the construction subcontractor, it must submit a State nondiscrimination compliance statement only. The remaining construction documents will be required upon selection of the construction subcontractor. Forms are contained in Attachment D of the PSP.

My project is located in numerous counties. Must I send a copy of my proposal to every county?

Yes. Applicants must provide a copy of their proposals to each local government or other

jurisdiction in which the proposed project would take place. The purpose of this requirement is to ensure local governments are informed of actions that may occur within their jurisdictions.

Are watershed planning projects exempt from the local government notification requirement?

As stated on page 49 of the PSP, the purpose of this requirement is to provide advance notification to the appropriate local entities regarding potential construction or restoration actions that could occur within its jurisdiction. Watershed planning often leads to these types of activities, therefore, the local governments should be notified. Notification and coordination with local entities are important to the success of any proposal.

Do I need to notify the local governments if I am only conducting field surveys?

Yes. If your project involves field work such as surveys, monitoring or data collection, you must notify the affected entities. As explained on page 50 of the PSP, projects that do not include any physical action on the ground, such as research or modeling conducted solely in a laboratory, are not subject to this requirement.

My project fits in more than one topic area. Should I check more than one topic area on the cover sheet?

As requested on the cover sheet, check only one box. However, in your proposal you can describe the benefit/relationship of your proposal to additional topic areas.

How do I determine if my project is targeted research, pilot/demo or full scale implementation?

See page 16 of the PSP.

Does an irrigation district submit as a public entity or as a state agency?

Irrigation districts should submit as public entities.

If a project proponent does not yet know the precise number of acres for a project, or the precise nature of the acreage (i.e., existing use), can the land use checklist contain approximated or expected information?

Applicants should fill out the land use check list to the best of their ability and explain whether the information provided is approximate or actual and why.

PROPOSAL CONTENT

Are projects within the Trinity River watershed eligible for funding? Must my project fall within one of the CALFED ecozones?

Projects outside CALFED ecozones will be considered. It is the responsibility of the applicant to demonstrate the project's value to the ERP and explain how it helps achieve the goals and objectives outlined in Chapter III of the PSP.

Is there a more detailed map showing the CALFED ecozone boundaries?

Maps of each CALFED ecozone can be found in the ERP Maps Volume. Those can be

found on the CALFED website <http://calfed.ca.gov> under the EIR/EIS button.

Is cost share required?

No. Cost sharing is not required for proposals submitted under this PSP. Cost-sharing is encouraged, however, and applicants with cost-share funds available should describe the type and amount of any cost-share funds in their proposals.

Will any State funds be made available for projects such as intake fish screen replacement? State money is needed for a non-federal cost share requirement under the CVPIA Anadromous Fish Screen Program.

Applicants must clearly describe their funding needs in their proposals. As stated on page 3 of the PSP, funds may be available from the Federal Bay-Delta Act, CVPIA and from State Proposition 204. State funds in this PSP are dependent upon completion of a Record of Decision for the Final Programmatic EIS/EIR, which is expected in the summer of 2000. Decisions on the funding source for recommended projects will not be determined until this fall when the funding sources are known and projects are selected. Other state funds may be available for fish screen projects outside this PSP.

Can funds spent prior to October be considered cost sharing?

The PSP does not describe a cost-share requirement. However, applicants are encouraged to describe other funds that have been or will be contributed to the project.

Must an applicant show that its project will comply with local groundwater ordinances and/or AB 3030 plans?

It is the responsibility of the applicant to demonstrate in the proposal how it will comply with all applicable laws and regulations. To the extent a project may have impacts to groundwater resources, the applicant must explain how it will comply with local groundwater ordinances and/or AB3030 plans. See page 57 of the PSP.

Are maps, figures or letters of support considered in the 16 page limit? Do the cover sheet or checklists count in the number of pages?

None of these items are included in the 16 page limit.

How important are letters of support?

Letters of support are not required. To the extent they exhibit local involvement as described on page 61, they may be included as attachments. Letters mailed in separately will not be considered as part of the proposal.

What is the likelihood of new projects receiving an equal shot at funding, given that “previously funded” projects have priority?

All proposals will be evaluated on the criteria listed in the PSP. If two proposals are equivalent in their merits and one is a next-phase project, then the next-phase project would be given priority. If a next-phase project received a low evaluation, it would not be given priority

over a new proposal that received a high evaluation.

Where can I find examples of previously funded projects?

Information on previously funded projects as well as copies of all proposals submitted to CALFED are available on the CALFED website at <http://calfed.ca.gov>. Information on the Anadromous Fish Restoration Program's previously funded projects is available on the AFRP website at <http://www.delta.dfg.ca.gov/afrp>. Note all proposals must be responsive to the format of this PSP.

Can a proposal utilize more recent versions of documents referenced in the PSP?

Applicants should utilize the versions of the Ecosystem Restoration Program Plan, the Strategic Plan for Ecosystem Restoration, and the Multi-Species Conservation Strategy that were released with the June 1999 Draft Environmental Impact Statement/Environmental Impact Report for the CALFED Bay-Delta Program. The June 1999 versions of these documents may be obtained by contacting the CALFED Bay-Delta Program at (916) 657-2666, or by visiting the CALFED website at <http://calfed.ca.gov>.

Am I responsible for getting incidental take permits? How do I determine if my project is subject to NEPA/CEQA?

As indicated on page 57 of the PSP, each proposal must describe how the applicant will comply with applicable laws and regulations for the proposed project. Applicants are responsible for determining and implementing environmental compliance for their projects. For assistance in determining compliance needs, applicants can refer to the Handbook of Regulatory Compliance for the Anadromous Fish Restoration Program found at <http://www.delta.dfg.ca.gov/afrp> under documents, or <http://ceres.ca.gov/ceqa> for CEQA issues. Applicants are encouraged to consult with their local planning departments to determine local permitting requirements.

PROPOSAL REVIEW PROCESS

Do CALFED and its science-based reviewers (researchers) see any inherent conflicts between the traditional scientific method and adaptive management?

No. The adaptive management approach used by CALFED's Ecosystem Restoration Program is intended to make use of traditional scientific methods to ensure the highest quality information is generated by project implementation and can be used to inform future decision making.

Will proposals be read, in their entirety, by all reviewers?

Entire proposals will be available to all reviewers. Proposals will be read in their entirety by the scientific and technical reviewers, staff, and geographic reviewers. The Selection Panel will use all the reviews prepared for each proposal and copies of the executive summary for each proposal in their evaluations.

Have you selected the review panels and, if so, who are the members?

The CALFED Program has identified a large group of potential technical reviewers, but review panels have not been selected at this time. After the Scientific and Technical Review period is complete, a list of technical reviewers will be made available to members of the public.

Are the scientific criteria weighed more heavily than the geographic criteria?

As described on page 11 of the PSP, proposals are evaluated on all criteria. Weights have not been assigned to any of the criteria.

What does the sentence on page 4 of the PSP mean: “For areas of overlap where funding from only CVPIA is being sought, CVPIA program managers may submit project descriptions for concurrent scientific and technical review along with projects solicited through this PSP.”

This means that CVPIA may use the PSP technical review process to evaluate scopes of work for other parts of the CVPIA program. These scopes of work would not be competing for funds under the PSP.

CONTRACT REQUIREMENTS FOR SUCCESSFUL APPLICANTS

Are contracting terms non-negotiable?

The standard terms for state and federal contracts included in Attachments D and E of the 2001 PSP are non-negotiable. CALFED and the appropriate contracting agencies reserve the right to consider requests for minor changes in the standard terms on a case-by-case basis. Such requests will only be considered if the proposal states the requested change and the basis for the change.

Are funds reimbursable or paid in advance? What’s the turnaround time to get an invoice paid?

All funds are paid in arrears. An undisputed invoice takes about 30 to 45 days to process.

Realistically, when will money be available to begin work?

If ecosystem restoration funds become available in October of this year (the beginning of fiscal year 2001), CALFED expects to have decisions on ecosystem restoration projects at approximately the same time. Development of contracts takes four to six months. Therefore, funds would be available to spend at the earliest February 2001. Successful applicants must not commence work on a project until a signed funding agreement is complete. Work performed prior to the signing of a funding agreement is done at the risk of the applicant and without expectation of reimbursement.

Will a next-phase project be administered by the same contract administrator?

Contract administrators are determined after funding recommendation are approved. For efficiency purposes, often next phases are separate contracts overseen by the same contract administrator. However, this may not always be the case.

Are the rules the same for the contracting agencies?

Rules vary between contracting agencies. CALFED is working with those agencies to standardize rules as much as possible.

Can CALFED contract with out of state entities?

Yes.

Are monitoring funds limited to three years?

All project funds, including those for monitoring activities, must be obligated in three years, however, the project may extend beyond the three year period. Applicants should describe the entire project and be prepared to apply for funds at a future date to extend monitoring activities beyond the 3 year time-frame. Projects can be described in phases that extend beyond the 3 year contracting limit.

Is it possible for CALFED to spend restoration funds for levee construction projects on land which is not under some form of permanent conservation protection, but where the owner intends to use the levee to enable restoration and wildlife friendly agricultural practices?

Restoration projects will be evaluated on a case-by-case basis. For privately held lands, the proposal should explain how the ecological benefits associated with the restoration will be maintained, either through a permanent conservation easement or some other mechanism. It is the applicant's responsibility to demonstrate the project's value to the ERP and explain how it helps to achieve the goals and objectives outlined in Chapter III of the PSP.

Can an applicant use a State Revolving Fund Loan to provide funding for a project to get started while the recipient waits for the CALFED or CVPIA funding? Can the interest on such a loan be included in a project budget as overhead?

Another potential funding source for applicants is the State Revolving Fund Loan Program, administered through the State Water Resources Control Board. Information on State Revolving Fund Loans can be obtained at <http://www.swrcb.ca.gov>. Applicants interested in this funding source must pursue it independent of this PSP. Applicants should note that funds awarded under this PSP cannot be used to pay for expenditures that predate a signed contract, even if the applicant has obtained other grant funds or a loan to get the project started. Work performed in advance of a signed contract is performed at the applicant's own risk and with no expectation of reimbursement. In addition, funds awarded under this PSP cannot be used to pay the interest on a loan obtained to get a project started.

Are those projects funded with federal dollars required to solicit three bids for subcontractor services?

If an applicant receives federal funding, the requirements will depend on the type of applicant. State agencies, local agencies, and state colleges and universities follow their standard

procurement procedures for competitive bidding and sole source justification. If an applicant is a non-profit organization or other private party, then they will be expected to utilize a competitive process to select subcontractors.

If subcontractors are specified in the proposal, does this satisfy the State's contracting code requirements for listing subcontractors?

If an applicant has already selected subcontractors and lists them in its proposal, then the subcontractor(s) will be deemed to have competed along with the successful proposal. Applicants should note that proposals for public works and construction must comply with the requirements of the Subletting and Subcontracting Fair Practices Act, commencing with Public Contract Code section 4100.

If an applicant has not selected subcontractors at the time it submits its proposal, then the applicant must meet State competitive bidding requirements in selecting the subcontract(s) by: (1) obtaining at least three competitive bids; (2) explaining how the subcontract falls within the provisions of Government Code section 4525 et seq. as applicable; 3) providing written justification for obtaining a subcontract without competitive bids.

LAND ACQUISITION PROJECTS

If a project contains an easement, are lands required to be held by a state or federal agency?

Proposals involving acquisition of land, either in fee or through a conservation easement, will be evaluated on a case-by-case basis. The proposal should address the acquisition, long-term ownership, and long-term management of the property. Lands are not required to be held by a state or federal agency, however, the applicant must demonstrate how the acquired land and its restoration value will be protected in perpetuity, consistent with the purposes of the CALFED Program. Private ownership of land, subject to a perpetual conservation easement in favor of a nonprofit or local land trust would be acceptable.

For projects that involve conservation easements, who approves the conservation easement terms? Who is the contact person? What is the estimated review time? Is there specific language required?

Projects that involve obtaining a conservation easement will be evaluated on a case-by-case basis. CALFED and/or a state or federal contracting agency will review and approve the terms of the conservation easement. The contact person will be the contract administrator for project. The review time will depend on the nature of the easement. At this time, there is no specific language required for conservation easements, however, successful applicants should be prepared to include language in a conservation easement stating the purpose of the easement and the source(s) of funds. It is the applicant's responsibility to demonstrate that the conservation easement will achieve the goals of the Ecosystem Restoration Program in perpetuity.

PUBLIC NATURE OF PROPOSALS, PROJECT DELIVERABLES IN PUBLIC DOMAIN

Does the waiver of confidentiality extend to the support letters we attach to our proposal, or just to the proposal itself?

All parts of the proposal are considered public information and all responsive proposals will be posted on the web after the close of the solicitation. A responsive proposal is one that passes the threshold review described in the PSP.

Will CALFED allow an applicant to retain proprietary rights over data, information, documents, or ideas developed under a funded proposal?

All data and information developed under a funded proposal is in the public domain and will not be subject to the proprietary right of the applicant.

ADAPTIVE MANAGEMENT AND CONCEPTUAL MODELING

Do education projects require conceptual models?

Yes. All proposals must include a conceptual model of the cause and effect relationship of the proposed project as described in the PSP.

Should a phased project have a conceptual model for the specific phase requesting funding or for the project in its entirety?

A conceptual model for the entire project should be included. The proposal should explain how the specific phase fits into the overall conceptual model. This explanation may include a more detailed conceptual model for the specific phase for which funding is being requested.

ADDITIONAL INFORMATION AND SECOND WORKSHOP ON CONCEPTUAL MODELING

The last part of the April 12th workshop involved a presentation on adaptive management and conceptual modeling by four members of CALFED's Ecosystem Restoration Program Interim Science Board. That session was taped and a summary of that discussion will be posted on the web and mailed out separately. Some of the overheads used in that presentation are attached.

An additional conceptual modeling workshop is scheduled for **April 21, 2000 from 9:00 - 12:00 in Room 1131** of the Resources Building, Sacramento, CA. The purpose of this meeting is to provide an additional opportunity to discuss adaptive management and conceptual modeling and answer questions. The outcome of the April 21st meeting will be sent out with the summary from the April 12th workshop.

Attachments